

1 **Mark P. Robinson, Jr.**, SBN 054426
2 **Carlos A. Prietto, III**, SBN 166410
3 **Ted B. Wacker**, SBN 157416
4 **ROBINSON, CALCAGNIE & ROBINSON**
5 620 Newport Center Drive, 7th Floor
6 Newport Beach, CA 92660
7 949-720-1288
8 949-720-1292 Fax

9
10 Attorneys for Plaintiffs
11 **ROY KACKLEY AND**
12 **PHYLLIS KACKLEY**

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16

17 **IN RE: BEXTRA AND**
18 **CELEBREX MARKETING,**
19 **SALES PRACTICES AND**
20 **PRODUCTS LIABILITY**
21 **LITIGATION**

Case No. M 05-CV-1699-CRB

MDL No. 1699

JUDGE BREYER

22 **This document relates to:**

23 **ROY KACKLEY AND**
24 **PHYLLIS KACKLEY**

25 **Individual Case No. C 05-5432 CRB**

26 **STIPULATION AND ORDER OF**
27 **DISMISSAL ONLY AS TO CASE**
28 **NUMBER 05-6331 SJO,**
ORIGINALLY FILED IN THE
CENTRAL DISTRICT OF
CALIFORNIA

29 **IT IS HEREBY STIPULATED AND AGREED** by and between counsel for
30 Plaintiffs and counsel for Defendants that the Complaint of Plaintiffs, Roy Kackley
31 and Phyllis Kackley, originally filed in the Central District of California, Case
32 Number CV 05-6331 SJO, and later transferred to the MDL No. 1699, *In Re: Bextra*
33 *and Celebrex, Marketing, Sales Practices and Products Liability Litigation*, with the
34 assigned individual case number C 05-5432 CRB, may be and is hereby dismissed
35 without prejudice.

1 The parties hereby stipulate that should Plaintiffs ever re-file Plaintiffs' claim,
2 Plaintiffs will only re-file in Federal Court.

3 The parties shall each bear their own costs.

4
5
6 Dated: August 31, 2006

ROBINSON, CALCAGNIE & ROBINSON

7
8
9 

10 Mark P. Robinson, Jr., SBN054426
mrobinson@rcrlaw.net
11 Carlos A. Prietto, III, SBN 166410
cprietto@rcrlaw.net
12 Ted B. Wacker, SBN 157416
twacker@rcrlaw.net
13 620 Newport Center Drive, 7th Floor
Newport Beach, CA 92660
14 Telephone: (949) 720-1288
Fax: (949) 720-1292

15 -AND-

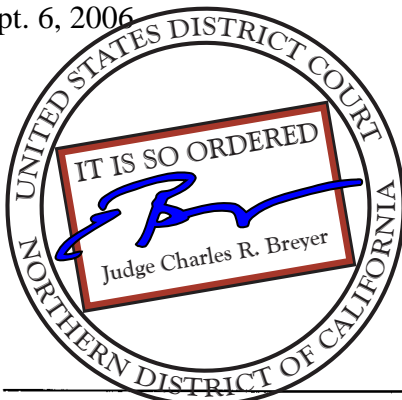
16 Samuel M. Wendt, MO #53573
David Peterson, MO #32229
17 PETERSON & ASSOCIATES, P.C.
801 West 47th Street, Suite 107
18 Kansas City, MO 64112-1253
Telephone: (816) 531-4440
19 Fax: (816) 531-0660

20 *Counsel for Plaintiffs*
21 ROY KACKLEY AND PHYLLIS KACKLEY

22 Dated: September 1, 2006

GORDON & REES

23
24 Sept. 6, 2006



25 
26 Stuart M. Gordon, Esq.
sgordon@gordonrees.com
27 Embarcadero Center West
275 Battery Street, 20th Floor
San Francisco, CA 94111
28 Telephone: (415) 986-5900
Fax: (415) 986-8054

Defendants' Liaison Counsel